§214.529

or missing operator's seat does not prevent its safe operation.

§ 214.529 In-service failure of primary braking system.

(a) In the event of a total in-service failure of its primary braking system, an on-track roadway maintenance machine may be operated for the remainder of its tour of duty with the use of a secondary braking system or by coupling to another machine, if such operations may be done safely.

(b) If the total in-service failure of an on-track roadway maintenance machine's primary braking system occurs where other equipment is not available for coupling, the machine may, if it is safe to do so, travel to a clearance or repair point where it shall be placed out of service until repaired.

§214.531 Schedule of repairs; general.

Except as provided in §§214.527(c)(5), 214.529, and 214.533, an on-track roadway maintenance machine or hi-rail vehicle that does not meet all the requirements of this subpart shall be brought into compliance as soon as practicable within seven calendar days. If repairs are not made within seven calendar days, the on-track roadway maintenance machine or hi-rail vehicle shall be placed out of on-track service.

§ 214.533 Schedule of repairs subject to availability of parts.

(a) The employer shall order a part necessary to repair a non-complying condition on an on-track roadway maintenance machine or a hi-rail vehicle by the end of the next business day following the report of the defect.

(b) When the employer cannot repair a non-complying condition as required

by §214.531 because of the temporary unavailability of a necessary part, the employer shall repair the on-track roadway maintenance machine or hirail vehicle within seven calendar days after receiving the necessary part. The employer may continue to use the ontrack roadway maintenance machine or hi-rail vehicle with a non-complying condition until receiving the necessary part(s) for repair, subject to the requirements of §214.503. However, if a non-complying condition is not repaired within 30 days following the report of the defect, the employer shall remove the on-track roadway maintenance machine or hi-rail vehicle from on-track service until it is brought into compliance with this subpart.

(c) If the employer fails to order a part necessary to repair the reported non-complying condition, or if it fails to install an available part within the required seven calendar days, the ontrack roadway maintenance machine or hi-rail vehicle shall be removed from on-track service until brought into compliance with this subpart.

(d) Each employer shall maintain records pertaining to compliance with this section. Records may be kept on forms provided by the employer or by electronic means. The employer shall retain each record for at least one year, and the records shall be made available for inspection and copying during normal business hours by representatives of FRA and States participating under part 212 of this chapter. The records may be kept on the ontrack roadway maintenance machine or hi-rail vehicle or at a location designated by the employer.

APPENDIX A TO PART 214—SCHEDULE OF CIVIL PENALTIES $^{\rm 1}$

Section	Violation	Willful
Subpart B—Bridge Worker Safety Standards		
214.103 Fall protection:		
(i) Failure to provide fall protection	\$5,000	\$10,000
(ii) Failure to use fall protection		2,500
214.105 Standards and practices:		
(a) General:		
(1) Fall protection used for other purposes	2,500	5,000
(2) Failure to remove from service	2,500	5,000
(3) Failure to protect from deterioration	2,500	5,000
(4) Failure to inspect and remove	5,000	10,000
(5) Failure to train	5,000	10,000

Section	Violation	Willful
(6) Failure to provide for prompt rescue	5,000	10,000
(7) Failure to prevent damage	2,500	5,000
(8) Failure to use proper connectors	2,500	5,000
(9) Failure to use proper anchorages	2,500	5,000
(b) Fall arrest system: (1)–(17) Failure to provide conforming equipment	2,500	5,000
(c) Safety net systems:	2,500	5,000
(1) Failure to install close to workplace	2,500	5,000
(2) Failure to provide fall arrest if over 30 feet	5,000	10,000
(3) Failure to provide for unobstructed fall	5,000	10,000
(4) Failure to test	2,500	5,000
(5) Failure to use proper equipment	2,500	5,000
(6) Failure to prevent contact with surface below(7) Failure to properly install	5,000 5,000	10,000 10,000
(8) Failure to remove defective nets	5,000	10,000
(9) Failure to inspect	5,000	10,000
(10) Failure to remove objects	1,000	2,500
(11)-(13) Failure to use conforming equipment	2,500	10,000
214.107 Working over water:		
(a)(i) Failure to provide life vest	5,000	10,000
(ii) Failure to use life vest	2 500	1,500
(c) Failure to inspect	2,500 5,000	5,000 10,000
(ii) Failure to use ring bouys	3,000	1,500
(f)(i) Failure to provide skiff	1,000	2,500
(ii) Failure to use skiff		1,500
214.109 Scaffolding:		
(a)–(f) Failure to provide conforming equipment	2,500	5,000
214.113 Head protection:	0.500	F 000
(a)(i) Failure to provide(ii) Failure to use	2,500	5,000 1,500
(b) or (c) Failure to provide conforming equipment	2,500	5,000
214.115 Foot protection:	2,000	0,000
(a)(i) Failure to require use of	2,500	5,000
(ii) Failure to use		1,500
214.117 Eye and face protection:		
(a)(i) Failure to provide	2,500	5,000
(ii) Failure to use	2,500	1,500 5,000
(c) Use of defective equipment	2,500	5,000
(d) Failure to provide for corrective lenses	2,500	5,000
Subpart C—Roadway Worker Protection Rule		
214.303 Railroad on-track safety programs, generally:		
(a) Failure of a railroad to implement an On-track Safety Program	10,000	20,000
(b) On-track Safety Program of a railroad includes no internal monitoring procedure	5,000	10,000
214.305 Compliance Dates:	F 000	10.000
Failure of a railroad to comply by the specified dates	5,000	10,000
(a)(i) Failure to notify FRA of adoption of On-track Safety Program	1,000	5,000
(ii) Failure to designate primary person to contact for program review	1,000	2,000
214.309 On-track safety program documents:		
(1) On-track Safety Manual not provided to prescribed employees	2,000	5,000
(2) On-track Safety Program documents issued in fragments	2,000	5,000
214.311 Responsibility of employers:	E 000	10.000
(b) Roadway worker required by employer to foul a track during an unresolved challenge(c) Roadway workers not provided with written procedure to resolve challenges of on-track	5,000	10,000
safety procedures	5,000	10,000
214.313 Responsibility of individual roadway workers:	0,000	.0,000
(b) Roadway worker fouling a track when not necessary in the performance of duty		1,000
(c) Roadway worker fouling a track without ascertaining that provision is made for on-track		
safety		1,500
(d) Roadway worker failing to notify employer of determination of improper on-track safety pro-		
visions		3,000
214.315 Supervision and communication: (a)(1) Complete failure of employer to provide on-track safety job briefing	5,000	10,000
(a)(2) Partial failure of employer to provide on-track safety job briefing	2,000	4,000
214.317 On-track safety procedures, generally:	2,000	4,500
On-track safety rules conflict with this part	5,000	10,000
214.319 Working limits, generally:		-,-,-
(a) Non-qualified roadway worker in charge of working limits	5,000	10,000
(b) More than one roadway worker in charge of working limits on the same track segment	2,000	5,000
(c)(1) Working limits released without notifying all affected roadway workers	5,000	10,000
(2) Working limits released before all affected roadway workers are otherwise protected 214.321 Exclusive track occupancy:	5,000	10,000
(b) Improper transmission of authority for exclusive track occupancy	2,000	5.000
(5)p. spo. tanonicolor or authority for excitative track eccupation	. 2,000	5,500

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Section	Violation	Willful
(b)(1) Failure to repeat authority for exclusive track occupancy to issuing employee(2) Failure to retain possession of written authority for exclusive track occupancy		1,500 1,000
(3) Failure to record authority for exclusive track occupancy when issued		2,000
(c) Limits of exclusive track occupancy not identified by proper physical features	2,000	4,000
(d)(1) Movement authorized into limits of exclusive track occupancy without authority of road-	2,000	.,000
way worker in charge	5,000	10,000
(2) Movement authorized within limits of exclusive track occupancy without authority of		
roadway worker in charge	5,000	10,000
(3) Movement within limits of exclusive track occupancy exceeding restricted speed with-		
out authority of roadway worker in charge	5,000	10,000
14.323 Foul time: (a) Foul time authority overlapping movement authority of train or equipment	E 000	10,000
(b) Failure to repeat foul time authority to issuing employee	5,000	1,500
14.325 Train coordination:		1,000
(a) Train coordination limits established where more than one train is authorized to operate	1,500	4,000
(b)(1) Train coordination established with train not visible to roadway worker at the time		1,500
(2) Train coordination established with moving train		1,500
(3) Coordinated train moving without authority of roadway worker in charge	2,000	5,000
(4) Coordinated train releasing movement authority while working limits are in effect	3,000	6,000
14.327 Inaccessible track:	2 000	6,000
(a) Improper control of entry to inaccessible track	3,000 3,000	6,000
(b) Train or equipment moving within inaccessible track limits without permission of roadway	3,000	0,000
worker in charge	3,000	6,000
(c) Unauthorized train or equipment located within inaccessible track limits	2,000	5,000
14.329 Train approach warning provided by watchmen/lookouts:	_,,,,,	-,
(a) Failure to give timely warning of approaching train		5,000
(b)(1) Failure of watchman/lookout to give full attention to detecting approach of train		3,000
(2) Assignment of other duties to watchman/lookout		5,000
(c) Failure to provide proper warning signal devices	2,000	5,000
(d) Failure to maintain position to receive train approach warning signal		2,000
(f)(1) Assignment of non-qualified person as watchman/lookout		3,000 5,000
(2) Non-qualified person accepting assignment as watchman/lookout		1,500
(g) Failure to properly equip a watchman/lookout	2,000	4.000
14.331 Definite train location:	·	
(a) Definite train location established where prohibited	3,000	5,000
(b) Failure to phase out definite train location by required date	3,000	5,000
(d)(1) Train location information issued by unauthorized person	2,000	5,000
(2) Failure to include all trains operated on train location list	3,000	5,000 2,000
(5) Failure to clear a by ten minutes at the last station at which time is shown	3,000	5,000
(7) Non-qualified person using definite train location to establish on- track safety	2,000	3,000
14.333 Informational line-ups of trains:	_,,,,,	-,
(a) Informational line-ups of trains used for on-track safety where prohibited	3,000	5,000
(b) Informational line-up procedures inadequate to protect roadway workers	5,000	10,000
(c) Failure to discontinue informational line-ups by required date	5,000	10,000
14.335 On-track safety procedures for roadway work groups :	0.000	F 000
(a) Failure to provide on-track safety for a member of a roadway work group	3,000	5,000
(b) Member of roadway work group fouling a track without authority of employee in charge 14.336 On-track safety procedures for certain roadway work groups and adjacent tracks:		2,000
(a)(1) Failure to establish on-track safety for each adjacent controlled track as required under		
this section	5,000	10,000
(2)(i) Failure to implement the more restrictive procedures required by paragraph (b) dur-	5,555	,
ing special circumstance of concurrent movement(s) on two adjacent controlled tracks		
where one movement is authorized or permitted at a speed over 25 mph	1,500	3,000
(ii) Failure to establish on-track safety on an adjacent track that is non-controlled and		
spaced 19 feet or less from the occupied track for special circumstance where there is		
a controlled track on the opposite side of an occupied track	2,000	4,000
(b)(1) Failure of roadway worker to cease work and occupy a predetermined place of safety		
upon receiving a warning or notification of train or other on-track equipment movement(s) on		40.00
an adjacent controlled track	5,000	10,000
	5,000	10.000
(2) Resumption of work before trailing-end of all applicable movements has passed the		10,000
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker	3,000	
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker	3,000	
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker (c) Failure to maintain 25-foot spacing between on-track, self-propelled equipment or coupled equipment and roadway worker(s) on the occupied track during an adjacent-controlled-track		4 000
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker (c) Failure to maintain 25-foot spacing between on-track, self-propelled equipment or coupled equipment and roadway worker(s) on the occupied track during an adjacent-controlled-track movement at 25 mph or less	2,000	4,000
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker (c) Failure to maintain 25-foot spacing between on-track, self-propelled equipment or coupled equipment and roadway worker(s) on the occupied track during an adjacent-controlled-track movement at 25 mph or less (d) Failure to implement on-track safety procedures on an adjacent track when deemed nec-		4,000
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker (c) Failure to maintain 25-foot spacing between on-track, self-propelled equipment or coupled equipment and roadway worker(s) on the occupied track during an adjacent-controlled-track movement at 25 mph or less		
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker (c) Failure to maintain 25-foot spacing between on-track, self-propelled equipment or coupled equipment and roadway worker(s) on the occupied track during an adjacent-controlled-track movement at 25 mph or less (d) Failure to implement on-track safety procedures on an adjacent track when deemed necessary by the roadway worker in charge of providing on-track safety for a roadway work group (e)	2,000	4,000
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker (c) Failure to maintain 25-foot spacing between on-track, self-propelled equipment or coupled equipment and roadway worker(s) on the occupied track during an adjacent-controlled-track movement at 25 mph or less (d) Failure to implement on-track safety procedures on an adjacent track when deemed necessary by the roadway worker in charge of providing on-track safety for a roadway work group (e)	2,000 2,000 (1)	4,000 (1
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker (c) Failure to maintain 25-foot spacing between on-track, self-propelled equipment or coupled equipment and roadway worker(s) on the occupied track during an adjacent-controlled-track movement at 25 mph or less (d) Failure to implement on-track safety procedures on an adjacent track when deemed necessary by the roadway worker in charge of providing on-track safety for a roadway work group (e)	2,000	4,000 4,000 (1) 10,000
(2) Resumption of work before trailing-end of all applicable movements has passed the roadway worker (c) Failure to maintain 25-foot spacing between on-track, self-propelled equipment or coupled equipment and roadway worker(s) on the occupied track during an adjacent-controlled-track movement at 25 mph or less (d) Failure to implement on-track safety procedures on an adjacent track when deemed necessary by the roadway worker in charge of providing on-track safety for a roadway work group (e)	2,000 2,000 (1) 5,000	4,000

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Section	Violation	Willful
(c)(1) Individual train detection used by non-qualified employee	2,000	4,000
(2) Use of individual train detection while engaged in heavy or distracting work		2,000
(3) Use of individual train detection in controlled point or manual interlocking		2,000
(4) Use of individual train detection with insufficient visibility		2,000
(5) Use of individual train detection with interfering noise		2,000
(6) Use of individual train detection while a train is passing		3,000 2.000
(e) Lone worker unable to maintain vigilant lookout		2,000
(f)(1) Failure to prepare written statement of on-track safety		1,500
(2) Incomplete written statement of on-track safety		1,000
(3) Failure to produce written statement of on-track safety to FRA		1,500
214.339 Audible warning from trains:		
(a) Failure to require audible warning from trains		4,000
(b) Failure of train to give audible warning where required	1,000	3,000
(a) Failure of on-track safety program to include provisions for safety near roadway mainte-	.	
nance machines		5,000
(b) Failure to provide operating instructions		4,000
(1) Assignment of non-qualified employee to operate machine	2,000	5,000
(2) Operator unfamiliar with safety instructions for machine		5,000
(3) Roadway worker working with unfamiliar machine		5,000
(c) Roadway maintenance machine not clear of passing trains	3,000	6,000
214.343 Training and qualification, general: (a)(1) Failure of railroad program to include training provisions	5,000	10,000
(2) Failure to provide initial training		6,000
(b) Failure to provide annual training		5.000
(c) Assignment of non-qualified railroad employees to provide on-track safety		8,000
(d)(1) Failure to maintain records of qualifications		4,000
(2) Incomplete records of qualifications	1,000	3,000
(3) Failure to provide records of qualifications to FRA	2,000	4,000
214.345 Training for all roadway workers		
214.347 Training and qualification for lone workers		
214.349 Training and qualification of watchmen/lookouts 214.351 Training and qualification of flagmen		
214.353 Training and qualification of roadway workers who provide on-track safety for roadway	,	
work groups		
214.355 Training and qualification in on-track safety for operators of roadway maintenance machines		
Subpart D—On-Track Roadway Maintenance Machines and Hi-Rail Vehicles		
214.503 Good-faith challenges; procedures for notification and resolution:		
(a) Failure of employee to notify employer that the machine or vehicle does not comply		
with this subpart or has a condition inhibiting safe operation(b) Roadway worker required to operate machine or vehicle when good-faith challenge no		4,000
resolved		10,000
(c) Failure of employer to have or follow written procedures to resolve good-faith chal-		10,000
lenges		10,000
214.505 Required environmental control and protection systems for new on-track roadway main-		-,
tenance machines with enclosed cabs:		
(a) Failure to equip new machines with required systems	5,000	10,000
(b) Failure of new or existing machines to protect employees from exposure to air con-		
taminants		10,000
(c) Failure of employer to maintain required list of machines or make list available		4,000
 (d) Removal of "designated machine" from list before retired or sold (e) Personal respiratory protective equipment not provided when ventilation system fails 		4,000 10,000
(f) Personal respiratory protective equipment fails to meet required standards		10,000
(g) Other new machines with enclosed cabs not equipped with operable heating and ven-		10,000
tilation systems		10.000
(h) Non-enclosed station not equipped with covering, where feasible		10,000
214.507 Required safety equipment for new on-track roadway maintenance machines:		
(a)(1)-(5) Failure to equip new machine or provide protection as specified in these para-		
graphs		10,000
(a)(6)-(7) Failure to equip new machine with first-aid kit or operative and charged fire ex-		
tinguisher		5,000
(b) Position for operator to stand not properly equipped to provide safe and secure posi-		10.000
tion(c) New machine not equipped with accurate speed indicator, as required		10,000
		5,000 5,000
		5,000
(d) As-built light weight not conspicuously displayed on new machine		
(d) As-built light weight not conspicuously displayed on new machine		5 000
(d) As-built light weight not conspicuously displayed on new machine	2,500	
(d) As-built light weight not conspicuously displayed on new machine	2,500	
(d) As-built light weight not conspicuously displayed on new machine	2,500 5,000	
(d) As-built light weight not conspicuously displayed on new machine 214.509 Required visual illumination and reflective devices for new on-track roadway maintenance machines. 214.511 Required audible warning devices for new on-track roadway maintenance machines 214.513 Retrofitting of existing on-track roadway maintenance machines; general: (a) Failure to provide safe and secure position and protection from moving parts 2,000 4,000 inside cab for each roadway worker transported on machine	2,500 5,000 5,000	
(d) As-built light weight not conspicuously displayed on new machine	2,500 5,000 5,000	5,000 10,000 10,000 5,000

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Section	Violation	Willful
(c) Illumination device or portable light missing, inoperable, improperly secured, or incapa-		
ble of illuminating track as required	2,500	5,000
214.515 Overhead covers for existing on-track roadway maintenance machines:		
(a) Failure to repair, reinstall, or maintain overhead cover as required	5,000	10,000
(b) Failure to provide written response to operator's request within 60 days	2,000	4,000
214.517 Retrofitting of existing on-track roadway maintenance machines manufactured on or after		
January 1, 1991:		
(a) Failure to equip machine with change-of-direction alarm or rearward viewing device	5,000	10,000
(b) Failure to equip machine with operative heater	5,000	10,000
(c) Failure to display light weight of machine as required	2,500	5,000
(d) Failure to equip machine with reflective material, reflective device, or operable brake		
lights	5,000	10,000
(e) Failure to install or replace safety glass as required	5,000	10,000
(f) Failure to equip machine with turntable restraint device or warning light as required	5,000	10,000
214.518 Safe and secure position for riders	5,000	10,000
214.519 Floors, decks, stairs, and ladders for on-track roadway maintenance machines	5,000	10,000
214.521 Flagging equipment for on-track roadway maintenance machines and hi-rail vehicles	2,500	5,000
214.523 Hi-rail vehicles:		
(a) Failure to inspect hi-rail gear annually	5,000	10,000
(b) Failure to maintain inspection record or make record available to FRA	2,000	4,000
(c) Failure to equip new hi-rail vehicle with alarm and light or beacon as required	2,500	5,000
(d)(2) Failure of operator to tag, date or report non-complying condition	2,000	4,000
(d)(3) Failure to repair or replace non-complying alarms, lights or beacons as required	2,500	5,000
214.525 Towing with on-track roadway maintenance machines or hi-rail vehicles	5,000	10,000
214.527 On-track roadway maintenance machines; inspection for compliance and schedule for	, i	
repairs:		
(a) Failure of operator to check on-track roadway maintenance machine for compliance	2,000	4,000
(b) Failure of oeprator to tag, date, or report noncomplying condition	2,000	4,000
(c)(1)-(4) Failure to meet requirements for operating on-track roadway maintenance ma-		
chine with non-complying headlights, work lights, horn, fire extinguisher, alarm, warning		
light, or beacon	2,500	5,000
(c)(5) Failure to repair or replace defective or missing operator's seat within required time	, i	
period	5,000	10,000
214.529 In-service failure of primary braking system	5,000	10,000
214.531 Schedule of repairs; general	2,500	5,000
214.533 Schedule of repairs subject to availability of parts:	,- ,-	-,
(a)-(c) Failure to order necessary part(s), make repair(s), or remove on-track roadway		
maintenance machine or hi-rail vehicle from service as required	2,500	5,000
(d) Failure to maintain record or make record available to FRA	2,000	4,000

 $[57~\mathrm{FR}~28127,\,\mathrm{June}~24,\,1992,\,\mathrm{as}~\mathrm{amended}~\mathrm{at}~61~\mathrm{FR}~65981,\,\mathrm{Dec}.~16,\,1996;\,63~\mathrm{FR}~11620,\,\mathrm{Mar}.~10,\,1998;\\68~\mathrm{FR}~44412,\,\mathrm{July}~228,\,2003;\,69~\mathrm{FR}~8839,\,\mathrm{Feb}.~26,\,2004;\,69~\mathrm{FR}~30593,\,\mathrm{May}~28,\,2004;\,73~\mathrm{FR}~79701,\,\mathrm{Dec}.$ 30, 2008; 77 FR 24419, Apr. 24, 2012]

EFFECTIVE DATE NOTE: At 76 FR 74615, Nov. 30, 2011, Appendix A to part 214 is amended by revising the entry under subpart C for §214.315, by removing the entry under subpart C for §214.335(c), by adding an entry under subpart C for §214.336, and by revising footnote 1 and adding footnote 2, effective

May 1, 2012. At 77 FR 13978, Mar. 8, 2012, the effective date was delayed until July 1, 2013. At 78 FR 33754, June 5, 2013, it was further delayed until July 1, 2014. For the convenience of the user, the new text is set forth as fol-

APPENDIX A TO PART 214—SCHEDULE OF CIVIL PENALTIES 1

Section ²	Violation	Willful violation

Subpart C-Roadway Worker Protection Rule

¹A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$100,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A. Failure to observe any condition(s) of an exception set forth in paragraph (e) of \$214.336 will deprive the railroad or contractor of the benefit of the exception and make the railroad or contractor, and any responsible individuals, liable for penalty under the particular regulatory section(s) from which the exception would otherwise have granted relief.

2The penalty schedule uses section numbers from 49 CFR part 214. If more than one item is listed as a type of violation of a given section, each item is also designated by a "penalty code," which is used to facilitate assessment of civil penalties, and which may or may not correspond to any subsection designation(s). For convenience, penalty citations will cite the CFR section and the penalty code, if any. FRA reserves the right, should litigation become necessary, to substitute in its complaint the CFR citation in place of the combined CFR and penalty code citation, should they differ.

APPENDIX A TO PART 214—SCHEDULE OF CIVIL PENALTIES 1—Continued

	Section ²	Violation	Willful violation
*	* * * *	*	*
214.315	Supervision and communication:		
	(a)(1) Complete failure of employer to provide on-track safety job briefing	5,000	10,000
	(a)(2) Partial failure of employer to provide on-track safety job briefing	2,000	4,000
*	* * *	*	*
214.336	On-track safety procedures for certain roadway work groups and adjacent tracks: (a)(1) Failure to establish on-track safety for each adjacent controlled track as required under this section (2)(i) Failure to implement the more restrictive procedures required by paragraph (b) during special circumstance of concurrent movement(s) on two adjacent controlled tracks where one movement is authorized or permitted at a speed	5,000	10,000
	over 25 mph	1,500	3,000
	where there is a controlled track on the opposite side of an occupied track (b)(1) Failure of roadway worker to cease work and occupy a predetermined place of safety upon receiving a warning or notification of train or other on-track equipment move-	2,000	4,000
	ment(s) on an adjacent controlled track	5,000	10,000
	roadway worker	5,000	10,000
	trolled-track movement at 25 mph or less (d) Failure to implement on-track safety procedures on an adjacent track when deemed necessary by the roadway worker in charge of providing on-track safety for a roadway	2,000	4,000
	work group	2,000	4,000
	(e)	(1)	(1)
	working limits or with movements permitted within working limits	5,000	10,000
*	* * *	*	*

¹A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$100,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A. Failure to observe any condition(s) of an exception set forth in paragraph (e) of \$214.336 will deprive the railroad or contractor of the benefit of the exception and make the railroad or contractor, and any responsible individuals, liable for penalty under the particular regulatory section(s) from which the exception would otherwise have granted relief.

²The penalty schedule uses section numbers from 49 CFR part 214. If more than one item is listed as a type of violation of a given section, each item is also designated by a "penalty code," which is used to facilitate assessment of civil penalties, and which may or may not correspond to any subsection designation(s). For convenience, penalty citations will cite the CFR section and the penalty code, if any. FRA reserves the right, should litigation become necessary, to substitute in its complaint the CFR citation in place of the combined CFR and penalty code citation, should they differ.

PART 215—RAILROAD FREIGHT CAR 2 **SAFETY STANDARDS**

Subpart A—General

	Caspan 71 Contra
Sec.	
215.1	Scope of part.
215.3	Application.
215.5	Definitions.
215.7	Prohibited acts.
215.9	Movement of defective cars for repair
215.11	Designated inspectors.
215.13	Pre-departure inspection.
215.15	Periodic inspection.

Subpart B—Freight Car Components

215.101 Scope.

SUSPENSION SYSTEM

215.103	Defective wheel.
215.105	Defective axle.
215.107	Defective plain bearing box: General.

215.109	Defective	plain	bearing	box:	Journal
lubr	rication sy	stem.			

215.111	Defective	plain	bearing.

^{215.113} Defective plain bearing wedge.

215.119 Defective freight car truck.

CAR BODIES

215.121 Defective car body.

DRAFT SYSTEM

915 199	Defective	agunlara

- 215.125 Defective uncoupling device.
- 215.127 Defective draft arrangement.
- 215.129 Defective cushioning device.

Subpart C—Restricted Equipment

215.201 Scope.

215.203 Restricted cars.

^{215.115} Defective roller bearing.

^{215.117} Defective roller bearing adapter.